IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTEENTH DAY OF FEBRUARY

TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE L.NARASIMHA REDDY**

**WRIT PETITION NO : 2451 of 2005**

Between:

Mr.Sayyad Abdul Jaleel, S/o.S.A.Khareem,
R/o.16-11-11/1/2/A, Jeggalguda, Saleemnagar Colony,
Hyderabad.

**..... PETITIONER**

AND

1 Divisional Engineer (Asst.) A.P.C.P.D.CL., Street No.17, Urdu Hall Lane, Himayathnagar Hyderabad.
2 Assistant Divisional Engineer, D-X, C-V, III Asmangadh, APCPDCL. Hyderabad.

**.....RESPONDENT(S)**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction and more particularly one in the nature of writ of Mandamus declaring the 2nd Respondent's Initial Assessment Notice No.ADE/0/DX/C.VIII/D.No.928 dated 5-11-2002 and the 1st respondent's final Assessment orders in No.DEA/I/HYD/DAT.27929 D.No.4960 dated 7-7-2004 as illegal, arbitrary, without jurisdiction and void and consequently set aside the same, in the interests of justice.

**Counsel for the Petitioner:MR.BATHINI PAPA RAO**

**Counsel for the Respondents: MR.AAJAY KUMAR**

**The Court, at the stage of admission, made the following :**

**ORDER:**

Petitioner is extended power supply under L.T. Category-I. An order of final assessment, dated 07.07.2004, was issued to him indicating that the value of energy said to have been pilfered by him is Rs.12,374.85 ps. It is represented that the power supply was disconnected, on account of non-payment of the same, and the petitioner seeks continuance of power supply.

Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.

Section 126 of the Electricity Act, 2003, prescribes the procedure for making an order of final assessment as well as the appeal against the same. The parameters for levy of the amount are also indicated therein. Petitioner points out that though charges are to be collected by levying one and half times of applicable tariff, a higher tariff was applied and the period was also spread over. It is also represented that a sum of Rs.5,000/- was already paid on receiving the order of provisional assessment.

In view of the fact that there is an effective remedy by way of appeal, this Court is not inclined to entertain the writ petition. Since the petitioner had paid almost half of the

assessed amount, the appeal shall be entertained without insistence on payment of further amount. The power supply shall be restored and continued till the disposal of the appeal. No order as to costs.

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**L.NARASIMHA REDDY, J**

Dated : 14.02.2005

Note: Furnish copy

In two days

(B/o)

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To

1 Divisional Engineer (Asst.) A.P.C.P.D.CL., Street No.17, Urdu Hall Lane, Himayathnagar Hyderabad.
2 Assistant Divisional Engineer, D-X, C-V, III Asmangadh, APCPDCL. Hyderabad.

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